

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 SSO-00 SS-15 NSC-05
SP-02 PM-04 H-01 CIAE-00 INR-07 NSAE-00 PRS-01
NSCE-00 INRE-00 /045 R

DRAFTED BY L/ARA:FKWILLIS
APPROVED BY L/ARA:FKWILLIS
JUSTICE:JKEENEY
ARA/AND/V:TSONANDRES
L/T:MMCQUADE

-----221955Z 078932 /56

O 221919Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY CARACAS IMMEDIATE

C O N F I D E N T I A L STATE 091141

E.O. 11652: GDS

TAGS: PFOR, PGOV, PINS, VE, US

SUBJECT: US/GOV LEGAL ASSISTANCE AGREEMENT ON BOEING

REF: STATE 20433

1. ON REVIEW OF STATUS OF AGREEMENT COVERING ALLEGED
ILLICIT PAYMENTS BY BOEING IN VENEZUELA, WE ARE NOW PREPARED
TO GO AHEAD WITH SIGNATURE OF TEXT BASED ON OUR AGREEMENT
WITH SPAIN (WITH CERTAIN MINOR MODIFICATIONS IN SPANISH
TRANSLATION). THIS TEXT WAS BASIS OF OUR DISCUSSIONS WITH
GOV TEAM IN WASHINGTON IN FEBRUARY; EMBASSY WAS SENT AIR
POUCHED COPY (REFTEL). YOU SHOULD ADVISE MINISTER OF
JUSTICE THAT OUR PROCEEDING IN THIS MANNER IS WITH UNDER-
STANDING DISCUSSED WITH GOV TEAM IN NEGOTIATIONS IN
WASHINGTON D.C. THAT "AGENCIES HAVING LAW ENFORCEMENT
RESPONSIBILITIES" REFERRED TO IN ARTICLE 4 INCLUDES
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INVESTIGATING MAGISTRATES. THUS, IN OPERATION OF AGREE-
MENT, IF ANY DOCUMENTS WE PROVIDE TO GOV JUSTICE MINISTRY
ARE IN TURN GIVEN TO AN INVESTIGATING MAGISTRATE, THIS CAN
ONLY BE DONE UNDER CONDITION THAT MAGISTRATE ACCEPTS TERMS
OF AGREEMENT -- IN PARTICULAR, THIS INCLUDES PROVISION THAT
DOCUMENTS REMAIN CONFIDENTIAL AND THAT MAGISTRATE AGREES TO
RECIPROCITY. CONFIDENTIALITY MUST BE MAINTAINED UNTIL

PUBLIC PORTION OF COURT PROCEEDINGS AT SUCH TIME AS

PROSECUTION IS INITIATED, AND THEN ONLY AFTER CONSULTATION WITH US DEPT OF JUSTICE OFFICIALS (ARTICLE 5 AND 6). WITH RESPECT TO RECIPROCITY (ARTICLE 2), US JUSTICE DEPT INSISTS UNDER ALL OUR AGREEMENTS ON EXCHANGE OF INFORMATION RELATING TO ILLICIT PAYMENTS CASES THAT ANY RECIPIENT OF MATERIAL MUST AGREE TO BE BOUND TO PROVIDE INFORMATION TO JUSTICE ON REQUEST. IF, IN PRACTICE, RECIPROCAL TREATMENT IS NOT ACCORDED, OUR COOPERATION UNDER THE AGREEMENT IS DISCONTINUED.

2. THE EARLIER EXCHANGES WITH GOV REPRESENTATIVES INDICATE TO US THAT TEXT OF SPANISH AGREEMENT (WITH TRANSLATION MODIFICATIONS) WILL BE ACCEPTABLE TO GOV. IF MEANING OF TEXT, ESPECIALLY ARTICLE 4 AS DESCRIBED ABOVE, IS CLEARLY UNDERSTOOD BY GOV OFFICIALS, WE ARE READY TO SIGN ON BASIS OF ASSURANCES THEY HAVE GIVEN US THAT IN PRACTICE THEY CAN AND WILL OBTAIN AGREEMENT OF INVESTIGATING MAGISTRATES TO CONDITIONS FOR RECEIPT OF DOCUMENTS THAT MAGISTRATES WILL BE BOUND BY TERMS OF AGREEMENT PRIOR TO ANY DOCUMENTS BEING HANDED OVER TO THEM. WE APPRECIATE THAT SPELLING OUT THIS POINT EXPLICITLY MAY POSE POLITICAL DIFFICULTIES FOR GOV, AND ARE PREPARED TO REST ON COMPLIANCE IN PRACTICE. AS LEGAL MATTER, DEPT OF JUSTICE POSITION IS SET OUT FULLY WITH PRESENT TEXT OF ARTICLE 4, AND WOULD BE VIGOROUSLY MAINTAINED IN EVENT IT PUT ANY REQUEST TO AN INVESTIGATORY MAGISTRATE IN FUTURE.

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3. GOV MAY IF IT WISHES AUTHORIZE ITS AMBASSADOR IN WASHINGTON D.C. TO SIGN AGREEMENT ON BEHALF OF GOV MINISTRY OF JUSTICE. (US DEPT OF JUSTICE OFFICIAL WOULD SIGN FOR JUSTICE DEPT.) YOU SHOULD ADVISE DEPARTMENT, AND WE WILL THEN PREPARE DOCUMENTS FOR SIGNATURE AND ARRANGE A TIME.

4. REFERENCE TO SPANISH AGREEMENT INCLUDES ENUMERATED ARTICLES WITH MODIFICATIONS TO SPANISH TEXT GIVEN US BY VENEZUELAN. IT DOES NOT REPEAT NOT INCLUDE ANY ANNEX. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY SIGNATURE, AGREEMENTS, CORRUPTION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE091141
Document Source: CORE
Document Unique ID: 00
Drafter: FKWILLIS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770141-0088
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770428/aaaaaxlr.tel
Line Count: 108
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Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Previous Classification: CONFIDENTIAL
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Reference: 77 STATE 20433
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2718568
Secure: OPEN
Status: NATIVE
Subject: US/GOV LEGAL ASSISTANCE AGREEMENT ON BOEING
TAGS: PFOR, PGOV, PINS, EINV, VE, US, BOEING
To: CARACAS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1b0f8ea0-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
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